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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

JERRY D. OLDS
State Engineer/Division Director

| STATE OF UTAH | |
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| DIVISION OF WATER RIGHTS | |
| <div>DIVISION OF WATER RIGHTS, JERRY D. OLDS STATE ENGINEER, Claimant East Bench Irrigation Company ATTE: Randy Hatch PO BOX 489 Panguitch, UT 84759 Respondent</div> | <div>MEASURING DEVICE & HEADGATE NOTICE WR. NO. 61-917 SEAA 1267</div> |

TO: East Bench Irrigation Company:

In June 2008, Ray Owens, the Upper Sevier River Commissioner, notified the Division of Water Rights (Division) that the existing flume on the East Bench Canal located at the split between the Long Canal and the East Bench Canal needs to be improved. A stilling well is required to be installed to allow for an automated measuring device and telemetry equipment to be installed.

§ 73-5-4, UTAH CODE ANN. (1953), states in part:

(1) *To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, each person using water in this state shall construct or install and maintain controlling works and a measuring device at:*

- (a) *each location where water is diverted from a source; and*
- (b) *any other location required by the state engineer.*

(2) *Each person using water in this state shall make the controlling works and measuring device accessible to the state engineer or water commissioner.*

(3) *The state engineer shall approve the design of:*

- (a) *the measuring device; and*
- (b) *controlling works so that the state engineer or a water commissioner may regulate and lock the works.*



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(5) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:

*(a) forbid the use of water until the user complies with the state engineer's requirement;
and*

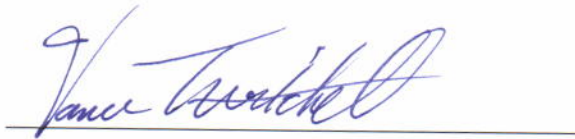
(b) commence enforcement proceedings authorized by Section 73-2-25 .

Therefore, you are hereby notified that the existing flume must be equipped with a functional stilling well to accommodate automated measurement. This installation must be completed prior to April 1, 2009. If you do not comply with this notice your diversion will be closed and tagged by the Commissioner and you will not be allowed to divert water until compliance is achieved. You must contact Commissioner Ray Owens at (435) 527-4757 to coordinate the required improvement to his specification and notify him prior to and during any work. This will insure that the needed improvement at your diversion is completed to his and the Division's satisfaction.

Upon receipt of the Commissioner's report to the State Engineer that the work is complete, the Division will formally conclude this agency action. The Division strongly encourages you to take the necessary efforts to comply with this notice and attend to this matter in a timely fashion; this will avoid further possible enforcement action.

If you have questions concerning this notice, please contact Distribution Engineer, Vance Twitchell by phone at (801) 538-7374 or by e-mail at VanceTwitchell@utah.gov or Regional Engineer Kirk Forbush by phone at (435) 896-4429 or by e-mail at KirkForbush@utah.gov.

Dated this 14th day of August, 2008:



Vance Twitchell
Distribution Engineer

pc: Kirk Forbush, P.E. / Richfield Regional Engineer
Kerry Carpenter, P.E. / Enforcement Engineer
Ray J. Owens / Commissioner / 280 N 100 E / Joseph UT 84739